HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated : Nainital the 28th March, 2006
Bail Application No. 139 of 2006

Order on the bail application of the accused

CRIMINAL SIDE

Dinesh Singh
S/o Late Sri Kunwar Singh
R/o Village Gharyangi
Patwari Circle – Thati Badma, Tehsil – Jakholi
District - Rudraprayag …….. Applicant

Versus

State of Uttaranchal … Opposite Party

In Case Crime No. 2 of 2005
U/s 302 I.P.C.
Patwari Circle Thathi Badma
Tehsil – Jakholi
District - Rudraprayag

Hon'ble J.C.S. Rawat, J.

Heard Sri Pankaj Purohit-learned counsel for the applicant, learned AGA for the State and perused the record.

Perusal of record reveals that marriage between the deceased and applicant was solemnized nine years ago from the date of the incident according to the hindu rites and rituals. The applicant is serving in the Assam Rifle. It is alleged in the report that on 16.07.2005, the applicant sprinkled kerosene oil on the deceased and set her to fire and thereafter she was taken to the Civil Hospital, Pauri. It is also on record that immediately after the incident, Bishan Singh, Alam Singh, Dalbir Singh and Pravendra Singh went to the hospital and they enquired about the cause of her death. She immediately spoken to them that she was set to fire by her husband by sprinkling kerosene oil on her body. It is also in the statement of Geeta Singh, sister the accused which were recorded on 24.07.2005 and she has stated in the morning when she saw the deceased burning, the deceased immediately stated that the deceased has been burnt by her husband. Apart this, there is dying declaration recorded by the S.D.M. on 17.07.2005 at the hospital, there the deceased has also stated that the applicant sprinkled the kerosene oil and she was subjected to fire by her husband.

Considering the facts and circumstances of the case in totality, it is not a fit case for bail.

Accordingly, the bail application is rejected.

(J. C. S. Rawat, J.)

Dated 28.03.2006
Shiv